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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MAGNIFY INC., et al.,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05279 (SMB)

AMENDED CASE MANAGEMENT STIPULATION AND ORDER

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff, and Defendants Magnify, Inc. (“Magnify”), Strand International Investments Ltd. (“Strand”), Premero Investments Ltd. (“Premero”), Yair Green (“Green”), the Yeshaya Horowitz Association (“Yeshaya”), and Express Enterprises Inc. (“Express”) (the Trustee, together with the Defendants, are collectively referred to herein as the “Parties”) hereby submits the Proposed Thirteenth Amended Case Management Plan, pursuant to Federal Rules of Civil Procedure 16 and 26, as incorporated into Bankruptcy Rules 7016 and 7026, as follows:

WHEREAS, on September 29, 2017, the Trustee filed the Second Amended Complaint; and

WHEREAS, on October 30, 2017, Defendants filed a Motion to Dismiss the Trustee’s Second Amended Complaint; and

WHEREAS, on January 31, 2018, the Court held a hearing on Defendants’ Motion to Dismiss the Trustee’s Second Amended Complaint; and

WHEREAS, on April 13, 2018, the Court issued its decision Denying Defendants’ Motion to Dismiss the Trustee’s Second Amended Complaint; and

WHEREAS, on June 18, 2019, the Court ordered mediation of this Adversary Proceeding pursuant to General Order M-452 and Local Bankruptcy Rule 9019-1; and

WHEREAS, on July 11, 2019, the Court issued its Order Appointing Mr. Ted Berkowitz as Mediator; and

WHEREAS, the Parties engaged in mediation from September 11-12, 2019 in the U.S., and previously in Israel from May 27-30, 2019; and

WHEREAS, in good faith, following those mediations, and over the course of several months, the Parties engaged in settlement negotiations in an attempt to resolve this Adversary Proceeding and related litigation brought by the Trustee in Israel against certain individual defendants; and

WHEREAS, the Parties have reached a settlement in principle in the U.S. and in one of the two actions in Israel, C.C. 18907-12-15 currently before the District Court of Tel Aviv, Israel; and

WHEREAS, the Parties now wish to amend the Twelfth Amended Case Management Plan, which the Court So Ordered on June 24, 2019.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and the Defendants, that the following provisions and deadlines are hereby made applicable to this adversary proceeding:

1. All upcoming deadlines outlined in the Discovery Plan of the Twelfth Amended Case Management Order are adjourned *sine die* while the Parties move forward with finalizing a settlement agreement.
2. This stipulation may be signed by the Parties in any number of counterparts, each of which shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original.

Dated: New York, New York
November 27, 2019

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Magnify Inc., Premero Investments Ltd.,
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The Yeshaya Horowitz Association, Yair Green,
and Express Enterprises Inc.*

SO ORDERED

Dated: **December 2, 2019**
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE